

LAW OFFICES OF
DRATEL & MYSLIWIEC, P.C.
 A PROFESSIONAL CORPORATION
 2 WALL STREET
 3rd Floor
 NEW YORK, NEW YORK 10005
 ...
 TELEPHONE (212) 732-0707
 FACSIMILE (212) 571-3792
www.dratelmys.com

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JOSHUA L DRATEL
 AARON MYSLIWIEC

ALICE L. FONTIER
 LINDSAY A. LEWIS

STEVEN WRIGHT
Office Manager
 RYAN DUFFEY
Paralegal

September 19, 2012

BY FACSIMILE [(212) 805-0426]

The Honorable Laura Taylor Swain
 United States District Judge
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

NOT ENDORSED

Re: United States v. Daniel Valdez.
S12 10 Cr. 905 (LTS)

Dear Judge Swain:

This letter is submitted on behalf of Daniel Valdez, whom I represent by CJA appointment in the above-entitled matter, in regard to his sentencing, now scheduled for September 27, 2012. The date for sentencing was previously adjourned from its originally scheduled date of August 8, 2012, at the request of the Office of Probation because the Presentence Report had not yet completed. In light of the fact that the Office of Probation did not submit a draft Presentence Report to counsel until August 30, 2012, and in consideration of subsequent changes made by the Office of Probation to the draft Report that defense counsel was not fully advised of until Monday of this week, it is respectfully requested that the sentencing in Mr. Valdez's case be adjourned until October 18 or October 19, 2012,¹ to provide the Office of Probation sufficient time in advance of sentencing to submit its final Report, to provide counsel with sufficient time to file sentencing submissions with the Court, and to provide the Court with

¹ The Office of Probation has asked defense counsel to request at a minimum a three-week adjournment of sentencing in this case. I have proposed the above dates because I will likely be out of the country for a two-week period conducting Rule 15 depositions in *United States v. Basaoly Moalin*, 10 Cr. 4246 (JM), as per judicial Order, beginning October 22, 2012.

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Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
September 19, 2012
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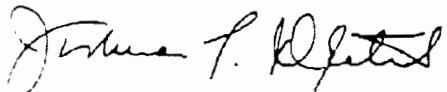
sufficient time to review these submissions.

It is also respectfully requested that the Court issue a schedule for the submission of sentencing memorandums by both parties in accordance with the newly scheduled sentencing date.

My associate, Lindsay A. Lewis, Esq., left voicemail messages for Assistant United States Attorney Amie Ely, who is presently on trial, and AUSA Jessica Ortiz, who is covering Mr. Ely's cases while she is on trial, inquiring as to whether the government consents to this request and notifying them that we would submit this letter to the Court today. At this time we have not yet heard back from the government.

Accordingly, it is respectfully requested that the Court adjourn Mr. Valdez's sentencing until October 18, 2012, or October 19, 2012.

Respectfully Submitted,



Joshua L. Dratel

JLD/la

cc: Assistant United States Attorney Amie N. Ely (by facsimile)

The sentencing is adjourned to October 25, 2012, at 4:00pm. Submissions must be made in accordance with the undersigned's sentencing submission procedures, which are posted on the Court's website.

SO ORDERED.

NEW YORK, NY



Laura Taylor Swain

Sept 19, 2012 UNITED STATES DISTRICT JUDGE